

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GOVERNMENT EMPLOYEES
INSURANCE CO., et al.,

Plaintiffs,

v.

Case No. 8:19-cv-1950-KKM-JSS

GLASSCO INC., et al.,

Defendants.

ORDER

Following the Eleventh Circuit's opinion and mandate dismissing Plaintiffs' appeal for lack of jurisdiction, the parties filed renewed motions for attorney's fees and costs. See Mot. for Attorney's Fees and Costs (Doc. 224, 227, 228, 229, 230, 233). Upon appellate dismissal, Plaintiffs also moved to amend their complaint to remove all portions of their claims that remained to be tried after the Court's partial grant of summary judgment. See Mot. to Am. (Doc. 219). The Court granted the motion and Plaintiffs have filed a notice of appeal as to the Court's previous order on Motion for Summary Judgment. See Order (Doc. 220); Notice of Appeal (Doc. 232). In the light of that pending appeal, the Court agrees with the Magistrate Judge that it would be premature to address motions for attorney's fees and costs before Plaintiffs' pending appeal is resolved.

The fourteen-day deadline for any party to object to the Magistrate Judge's recommendation has passed. No party filed an objection. And the Court agrees with the Magistrate Judge. As she explained, the Court has discretion to deny a motion for attorney's fees and costs without prejudice with leave to re-file after the appeal has concluded. R&R (Doc. 245) at 5. Waiting to address the parties' motions serves the interests of justice, efficiency, and judicial economy. See *id.* at 6.

Accordingly, the following is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 245) is **ADOPTED** and made a part of this Order for all purposes.
2. Parties' Renewed Fees Motions (Doc. 227, 228, 229, 230, 233, 243) are **DENIED without prejudice**. Parties may re-file within 30 days of the entry of a mandate by the Eleventh Circuit on Plaintiffs' pending appeal.

ORDERED in Tampa, Florida, on May 12, 2023.


Kathryn Kimball Mizelle
United States District Judge